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SPEECH

OF

HON. J. A. PEARCE, OF MARYLAND,

ON THE

PRESENTATION OF A MEDAL TO COMMODORE PAULDING;

DELIVERED

IN THE SENATE OF THE UNITED STATES, JANUARY 28, 1858.

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SPEECH.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. No. 7) directing the presentation of a medal to Commodore Hiram Paulding; the pending question being on the amendment of Mr. Brown.

Mr. PEARCE. Mr. President, among the strange things to which I listened during the debate on this question, nothing surprised me more than the pertinacity with which it was denied that this was a military expedition by General William Walker. That denial has been repeated so often, and in the face of such testimony, that I cannot but call to mind a little work published by Archbishop Whately, entitled "Historic doubts relative to Napoleon Bonaparte;" a work in which that learned and ingenious prelate has adduced a variety of arguments founded on the rules of evidence, to show the improbability of the historic statements we have concerning the remarkable incidents in the history of that extraordinary man, and even of his existence. It is a facetious rebuke of those skeptical minds who are so hardened in incredulity that they reject all historic statements, however founded on evidence, which has met the almost universal credit of mankind. As a specimen of it, let me read a short passage:

"But what shall we say to the testimony of those who went to Plymouth on purpose, and saw Bonaparte with their own eyes? Must they not trust their senses? I would not disparage either the eye-sight or the veracity of these gentlemen. I am ready to allow that they went to Plymouth for the purpose of seeing Bonaparte; nay, more, that they actually rowed out into the harbor in a boat, and came alongside of a man-of-war, on whose deck they saw a man in a cocked hat, who, *they were told*, was Bonaparte. This is the utmost point to which their testimony goes; how they ascertained that this man in the cocked hat had gone through all the marvelous and romantic adventures with which we have so long been amused, we are not told. Did they perceive in his physiognomy his true name, and authentic history?"

It really seems to me that the denial that this expedition of William Walker was a military expedition, to say nothing now of its being in contravention of our law, evidences just as much of this hardened incredulity as the Archbishop's work exhibits in regard to the romantic history, and even the existence, of Napoleon Bonaparte. It is very true, sir, that General Walker issued no proclamation to the wide world, and all mankind beside, announcing his purpose to set forth on this expedition to conquer Nicaragua; he did not in New Orleans or Mobile send out his heralds with trumpets to announce his purpose; but short of that, we have almost all the evidence which it is possible to require. We have in the papers furnished to us the proof that his agents were busy in various places engaging men; not, it is true, to take part in a military expedition, but to go out with him for the purpose of settlement; that being the flimsy pretext under which his hostile operations were disguised. But we are told that they were organized by having officers appointed; that such and such men were promised captain's commissions, or the next commission in rank. As for those who were to hold no commissions, they were not called privates, but "others than officers."

Then we find a steamboat obtaining a clearance at the custom-house by false and fraudulent representations—for this transaction is stamped with the meanness of falsehood in the very beginning; false invoices; false letters to a consignee, directing the sale of goods never put on board nor intended to be put on board, for cash, when they

should arrive at San Juan de Nicaragua; passengers to go who were found with arms in their hands. The purpose is disclosed by the very first operation exhibited on reaching the coast of Nicaragua: a detachment of men, commanded by a colonel and subordinate officers, were sent up the south branch of the river, not to make a peaceful settlement, but to force a passage to Fort Castillo and capture it by military means; the vessel then running up to the harbor of San Juan, landing not only its men, but arms; depositing its ammunition, and forming a camp. No such goods as constituted the assorted cargo are found on board. But we have an inventory of the cases and their contents. This *assorted cargo, to be sold for cash*, consisted of muskets, bayonets, rifles, and percussion-caps—all the ammunition and all the provision intended for a warlike expedition, and nothing which could give color to the false letter of consignment.

Then we are told that this is no proof of a military enterprise. But General William Walker has avowed it himself, a hundred times over. In every speech he has made, in every letter he has written, he avowed his purpose to be to reconquer power in Nicaragua by the sword, and to maintain it by the same means.

We may be told, perhaps, that this subject has been referred to the judicial authorities; that a grand jury has ignored a bill against him, and that a judge has quashed some sort of a proceeding. I do not know that very great importance is due to the decision of a grand jury of which we know nothing but that they have written "*ignoramus*" on a certain piece of paper sent to them by the district attorney. Whether they had all the evidence before them which we have, whether they had any evidence at all before them, we do not know. All we know is that they have written "*ignoramus*" on the back of an indictment. Unless I could be satisfied by personal knowledge that the persons composing that grand jury were men of great weight of character and cultivated intelligence, or that they had not all the evidence before them, I should be very apt to think that in writing the word "*ignoramus*" on the back of the indictment, they were only subscribing a *nomen generalissimum* which would describe themselves. As to the decision of the judge, it is not every judge who is a jurist. I admit, however, that all the judicial effect due to his decision, is to be allowed in this case as in others, but no more. It has no control over the minds and opinions of men. Just so much authority is due to his decision, as springs from the force of the reasoning or the weight of the cases cited. It cannot, at all events, affect us in the consideration of this question, as it cannot affect the decision of the Executive, which was made before the judicial investigation was held.

Nothing surprises me more than the sympathy which is expressed for General Walker in certain parts of the United States. To what qualities of his, to what part of his history is this sympathy due? He is a military adventurer, of a stout and courageous spirit, I admit; but what else? There is no evidence of skillful conduct in anything that he has ever done. All his efforts at military adventure have been failures, and although he professes that his failures have been due to the interference of the authority of this Government, we know very well that in regard to the first one the failure was as complete as it was ridiculous. I speak of his expedition to Sonora. The failure of the second, which he professes to have been occasioned by United States interference, was the result of his folly in usurping power and his subsequent abuse of power. It was his reckless ambition; his disregard of the true principles of republican government which made that experiment so complete a failure, placing him in a position of extreme distress and peril, from which, indeed, nothing but the humane interposition of Commander Davis rescued him.

I cannot see how any man who loves freedom, regulated by law and accompanied by order, who regards national obligation, and what is due to municipal regulation and statute—I do not for my life perceive how such a man can entertain any sympathy for this General Walker. He has developed his designs clearly enough for us all to understand; clearly enough for him who runs to read. He acquired power in Nicaragua by the use of the bayonets of his army—not by the free, unawed vote of the people of that country. He used his power to oppress and to injure the people over whom he exercised it. I believe that no legislative body ever sat in Nicaragua during the whole time of his presidency. Everything was done by imperial decree. There was no such thing as representative, responsible government. It was a despotism that prevailed while he was the President of Nicaragua, which mocked at popular rights and official responsibility. Is such a man entitled to our sympathies? Have we ceased to admire our own institutions? Is it following our example to establish all power in the hands of one man, and that man a foreign adventurer, who has acquired it by means of the bayonets of foreigners whom he took with him, or who have gone to his aid? Does it excite our admiration that he burned villages; that churches were plun-

dered while he was director, and that the inhabitants suffered confiscation and pillage? No, sir; none of these things excite my sympathy, and I do not believe that they excite the sympathy of the great mass of our countrymen. In a few localities where, from peculiar circumstances, these sympathies have been awakened, he may be regarded as a hero; but the larger part of our countrymen view him as an offender against our laws, a violator of the laws of nations, and a cold, relentless oppressor of the people whom he ruled with military rigor.

Besides, are his designs friendly to this country? I say they are not, as he himself has avowed them. They are no more friendly to the United States than they are friendly to liberty. His object has been one of conquest and of despotism. He has sought, not a free Government like ours, based upon the people's choice, and regulated by sound, popular sentiment, but he has sought the establishment of a military despotism in that country, and a military despotism antagonistic to this country and its institutions. I have here General Walker's letter addressed to General De Goicouria, from which I propose to read:

"GRANADA, *August* 12, 1856.

"MY DEAR GENERAL: I sent your credentials, for Great Britain, by General Cazeneau. They are ample, and will be, I hope, not without result. If you can open negotiations with England, and secure for Nicaragua the port of San Juan Del Norte, you will effect a great object. It will be a long step towards our end. Without San Juan Del Norte we lack, what will be in the end, indispensable to us—a naval force in the Caribbean sea. The commercial consequences of this possession are nothing in comparison with the naval and political results.

"With your versatility and (if I may use the term) adaptability, I expect much to be done in England. You can do more than any American could possibly accomplish, because you can make the British Cabinet see that we are not engaged in any scheme for annexation. You can make them see that the only way to cut the expanding and expansive democracy of the North, is by a powerful and compact southern federation, *based on military principles*."

So it is not the love of liberty, it is not a desire to establish law and the reign of peace, and the equal administration of justice in Nicaragua, which has prompted the adventurer, but a desire to establish a government "based on military principles," such a government as would excite the detestation of the Senator from Georgia, [Mr. TOOMBS,] who has painted to us this morning so brilliantly, the dangers of a standing army, the dangers of a system based on military principles; indeed its utter antagonism to anything like free institutions.

Well, sir, I remember to have seen, in a speech lately delivered by General Walker, in Richmond, the avowal that the Americanization of Central America is to be effected by the sword, and by the sword only. That is the power upon which he relies to Americanize this quondam Spanish territory, and to maintain the government which he proposes to institute there.

The truth is, Mr. President, that this General Walker is an ambitious dreamer. The enterprise which he has undertaken is one that does not belong to the age, and is not in accordance with its spirit. It is one that goes far back in its spirit and design, to ages which I trusted had passed away forever. It belongs rather to that dark period in the Christian era, when the hordes of barbarians from the northern hive, swarmed out and came in legions upon the fairest portions of southern and western Europe. It belongs rather to that still later period when the Vikings and Northmen went wherever they could, disregarding the obligations of national justice, making might right, and carrying rapacity and rapine wherever they went. That is the age to which an expedition of this character belongs.

I stated, upon a former occasion, when I addressed the Senate, that expeditions of this character were contrary to the recognized laws of nations—laws about which there is no dispute. Every one acknowledges the obligation of a nation at peace with another, not to allow that peace to be violated by its own citizens. Every one acknowledges that the obligations of the nation are the obligations of all the citizens, and of each and every one of them. All acknowledge, too, that private war is not justifiable in any sense; that it is expressly forbidden by the laws of nations; and it is no defense of such an expedition as this to say that the parties engaged in it have a right to expatriate themselves.

The right of expatriation is not an absolute and perfect right. It is not so pretended to be by any publicist. It is a qualified right; it is subject to various exceptions, and to any legislation which a State may think proper to adopt in regard to it. I presume that no one would contend that the right of expatriation was an absolute right when a nation was engaged in war, and needed all its citizens or subjects to defend it. That man who should run away from his country, and throw off his allegiance, under such circumstances, would not only be a renegade, but a traitor. We cannot assert the absolute right of expatriation in regard to such a man. Indeed, sir, in our own history, we have one very striking instance in regard to this right of expatriation. I think it was in 1810 that Elijah Clark, a citizen of New Jersey, went from that State to Canada, where he mar-

ried, and had children. He was said also to have accepted a commission in the Canada militia; and then when the war of 1812 broke out, he was found, after having crossed the river, in our lines lurking about the American camp. He was taken up by the military authorities, tried by court-martial, and condemned as a spy; but Mr. Madison interfered. He directed him to be discharged, and to be turned over to the civil authorities to be tried for treason. He did not admit the expatriation of Elijah Clark, in that case.

Neither can it be anything but *bona fide* expatriation to which we can allow any weight. Such a pretext cannot be set up when the object is to violate the laws of nations, or to violate the statutes of the country, to evade the laws passed to enforce neutral obligations, and to disturb the peace and security of a people with whom we are on terms of peace and amity. These expeditions have always been regarded with singular disfavor by the Government of this country. I am proud to say that the United States, although suspicions have been cast on her integrity in this regard, have uniformly manifested a sound and true public faith. No expedition has ever been got up in this country without receiving the denunciation of the Executive and the general disapprobation of the citizens. General Washington, even before the statutes of neutrality were passed, which I believe was in 1794, issued his proclamation, based on the principles of international law, prohibiting our people from engaging unjustly in the struggles of the great nations who were then in flagrant war, which threatened to involve us also. At a later period of our history, when Miranda came here, I think in 1806, or 1807, or thereabouts, and organized his unfortunate expedition against Venezuela, it met with no favor at the hands of our authorities, either executive or judicial.

The Senator from Georgia [Mr. TOOMBS] reminds me that the individuals who were tried in New York were acquitted. That is true; but let us hear what the President said on that subject. Mr. Jefferson, after the close of his administration, wrote on this subject, on the 4th of October, 1809—it is to be found in a letter to Foronda—as follows:

"Your predecessor, soured on a question of etiquette against the Administration of this country, wished to impute wrong to them in all their actions, even where he did not believe it himself. In this spirit, he wished it to be believed that we were in unjustifiable cooperation in Miranda's expedition. I solemnly, and on my personal truth and honor, declare to you that this was entirely without foundation, and that there was neither cooperation nor connivance on our part. He informed us he was about to attempt the liberation of his native country from bondage, and intimated a hope of our aid, or connivance, at least. He was at once informed that, although we had great cause of complaint against Spain, and even of war, yet, whenever we should think proper to act as her enemy, it should be openly and above-board, and that our hostility should never be exercised by such petty means. We had no suspicion that he expected to engage men here, but merely to purchase military stores. Against this there was no law, nor consequently any authority for us to interpose obstacles." * * * "Although his measures were many days in preparation in New York, we never had the least intimation or suspicion of his engaging men in his enterprise until he was gone," * * * * "until it was too late for any measures taken at Washington to prevent their departure. The officer in the customs who participated in this transaction with Miranda we immediately removed, and should have had him, and others, further punished, had it not been for the protection given them by private citizens at New York, in opposition to the Government, who, by their impudent falsehoods and calumnies, were able to overbear the minds of the jurors. Be assured, sir, that no motive could induce me, at this time, to make this declaration so gratuitously, were it not founded in sacred truth; and I will add, further, that I never did, or countenanced, in public life, a single act inconsistent with the strictest good faith; having never believed there was one code of morality for a public and another for a private man."

Under the administration of Mr. Monroe, we amended the statute of neutrality passed in 1794, by the act of 1818, which was only an enlargement, to some degree, of the former act intended to prohibit these private enterprises of a warlike nature. I believe there has not been an occasion of that sort during our history, when the President for the time being, whoever he might be, has not entertained and expressed opinions like those expressed by Mr. Jefferson in the letter from which I have read. I have here a letter of General Jackson, showing what he thought of such expeditions, even anticipating one which he apprehended was on foot. This letter was addressed to William S. Fulton, then Secretary for the Territory of Arkansas, and dated December 10, 1836:

"DEAR SIR: It has been stated to me that an extensive expedition against Texas is organizing in the United States, with a view to the establishment of an independent government in that province, and that General Houston is to be at the head of it. From all the circumstances communicated to me upon this subject, and which have fallen under my observation, I am induced to believe, and hope (notwithstanding the circumstantial manner in which it is related to me) that the information I have received is erroneous; and it is unnecessary that I should add my sincere wish that it may be so. No movements have been made, nor have any facts been established, which would require or would justify the adoption of official proceedings against individuals implicated; yet so strong is the detestation of the criminal steps alluded to, and such are my apprehensions of the extent to which the peace and honor of the country might be compromitted by it, as to make me anxious to do everything short of it which may serve to elicit the truth, and to furnish me with the necessary facts (if they exist) to lay the foundation of further measures."

I am glad to say that the gallant old general was mistaken in his suspicions; that such were not the purposes of the Senator from Texas, whom I now see before me, and I know that President Jackson received from him assurances that he entertained no such purposes. He did head, gallantly head, the revolution which made Texas an independent State; but it was not until the overthrow of the Mexican constitution, and the violation of the rights of the State of Texas, that her people took the last resort into their own hands. This, at all events, shows conclusively what was General Jackson's opinion, although I believe it was not altogether unfashionable at one time to suspect him of being somewhat of a fillibuster himself.

It has, however, been attempted to be shown that this expedition stands on a different footing from any other hostilities which have been sought to be carried on from this country against a foreign country. It has been endeavored to be shown that, inasmuch as there were two parties in Nicaragua, it was perfectly fair, according to the law of nations, that Mr. Walker should engage his service to one of those parties in conflict with the other. I deny that entirely. When rebellion arises, we do not think it civil war; but when it has acquired such head, and the parties are so equally balanced that it can be characterized as civil war, then the rule is that both parties are to be treated as if they were independent nations at war; and the obligation of our citizens, as well as of our Government, is to regard the laws of neutrality, and not to take sides with either party. This obligation is just as perfect as if there were two independent nations engaged in lawful open war. In general, neither the Government nor the citizens of a neutral nation can, without a departure from their neutrality, take any part in such a conflict. It is true there are some extraordinary exceptional cases, as when a revolt has begun in consequence of inhuman oppression, such as justified the people of Holland in rising against the Government of Spain, in which other nations may and sometimes have taken part. The consequence of their doing so, however, always is a rupture of their peaceful relations with the country against which they have taken part. If not an act of war, it always leads to it. It did so in our own case during the war of the Revolution. It always must do so where there is sufficient power in the State which is thus opposed by hostile interference, to revenge or redress the grievance.

Now, sir, I propose to show by a very few citations, that what I have said is justified by the publicists. Chancellor Kent says:

"It is sometimes a very grave question, when and how far one nation has a right to assist the subjects of another, who have revolted, and implored that assistance. It is said that assistance may be afforded, consistently with the law of nations, in extreme cases, as when rulers have violated the principles of the social compact, and given just cause to their subjects to consider themselves discharged from their allegiance."—*Kent's Commentaries*, volume 1, p. 21.

In a note, he quotes with approbation a letter of Mr. Webster to Lord Ashburton, dated April 21, 1841, in which Mr. Webster said that—

"It was a manifest and gross impropriety for individuals to engage in the civil conflicts of other States, and thus to be at war, while their Government is at peace;" and that "the salutary doctrine of non-intervention by one nation with the affairs of others, is liable to be essentially impaired, if, while the Government refrains from interference, interference is still allowed to its subjects individually or in masses;" and that "the United States have been the first among civilized nations to enforce the observance of the just rule of neutrality and peace, by special and adequate legal enactments against allowing individuals to make war on their own authority, or to mingle themselves in the belligerent operations of other nations."

Chancellor Kent himself observes:

"Prior to the recognition of the independence of any of the Spanish colonies in America, and during the existence of the civil war between Spain and her colonies, it was the declared policy of the Government of the United States, in recognizing the independence of the Spanish American Republics, to remain neutral, and to allow to each of the belligerent parties the same rights of asylum and hospitality, and to consider them, in respect to the neutral relation and duties of the United States, as equally entitled to the sovereign rights of war as against each other. This was also the judicial doctrine of the Supreme Court, derived from the policy of the Government, and seems to have been regarded as a principle of international law."

The policy and principle of the Government were laid down to the same effect by General Jackson in his message to Congress, December 21, 1836.

Vattel says, that, "even in lawful war between two nations, private expeditions are not lawful unless authorized by the civil authority." This every one knows by our ordinary experience. Even if this country were at war with Great Britain—public, lawful war—it would not be competent for individuals to arm private vessels and send them out to cruise against the commerce of the enemy unless they had a commission from the Government. If they were to cruise against British vessels without such a commission, and should be taken by a British man-of-war, they would be entitled to none of the privileges of prisoners of war, but would be regarded as freebooters, and

treated pretty much according to pleasure. Vattel declares:

"The necessity of a special order to act is so thoroughly established, that, even after a declaration of war between two nations, if the peasants of themselves commit any hostilities, the enemy shows them no mercy, but hangs them up as he would so many robbers or banditti. The crews of private ships of war stand in the same predicament; a commission from their sovereign or admiral can alone, in case they are captured, insure them such treatment as is given to prisoners taken in regular warfare."

On every score, then, this carrying on of war by private adventurers against another State, especially when it is at peace with that country to which they belong, is an offense of the highest character against the laws of nations. Against their own Government it is just such an offense as the laws make it. I hold, therefore, that General Walker and his associates, although only guilty of a misdemeanor against the laws of the United States were, as regards Nicaragua, in no better condition than freebooters and pirates—they were waging war against that State and people, without any authority.

Now, sir, I turn to the act of 1818, chapter eighty-eight. That act was passed by this Government for the purpose of enforcing these very obligations. It contains a variety of provisions applying to different cases; and if the last clause of that act were struck out of it entirely, there would be penalties and prohibitions for every one of the offenses specified in the act, and authority to the Executive to use the military and naval force of the country to enforce such prohibitions and penalties. There are seven sections preceding the eighth. The first provides fine and imprisonment for exercising within the United States a commission to serve a foreign State. The second section imposes a penalty on any person for, within the jurisdiction of the United States, enlisting, or procuring others to enlist, in the service of a foreign State. The third section imposes a penalty for fitting out vessels for such services; the fourth for citizens fitting out or arming. The fifth section imposes fine and imprisonment for augmenting within the jurisdiction of the United States the force of foreign armed vessels. The sixth provides fine and imprisonment for any person or persons setting on foot within the jurisdiction of the United States any military expedition against a friendly Power. The seventh section gives cognizance to the district courts of complaints in all cases of capture made within the waters of the United States, or one marine league of the coast; and the eighth section, if the last clause of it were left out, would provide for the enforcement of the prohibitions and penalties contained in the preceding seventh section, by means of the exercise of the military and naval power of the United States. It is something else that is described in this last clause, and that something else is this: it is to give power to the President "to prevent the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States, against the territories or dominions of any foreign prince or State, district, colony, or people with whom the United States are at peace." Without this last clause the President would have been fully empowered within the territorial jurisdiction of the United States to use all the military and naval forces to suppress here such expeditions. It would have been useless, therefore, to insert that additional clause in the section if it were not intended for another purpose.

That other purpose is sufficiently disclosed by its language. A different meaning from that which I supposed to belong to it has been given by interpreting, the word "prevent" to signify to anticipate. But that is not the usual meaning of the word "*prevent*" In the course of time it has changed its original signification, and now means to hinder or obstruct, or rather something stronger than either of these words. Crabbe, in his synonyms, says it used to signify the doing that which makes the purpose prevented impracticable.

The power, then, of the President under the last clause of the eighth section of this act, is to employ the naval and military forces of the United States so as to make the military expedition carried on from the United States impracticable.

It is to put at the control of the President, and within his discretion, the military and naval forces of the United States, to prevent the carrying on from the shores of the United States of any such military expedition; not to stop it here *in limine;* not merely to enforce the prohibitions and penalties provided in the other sections; but something more than that, which something more can be nothing else than to pursue such an expedition after it has left our limits, and seize it wherever it may be found, unless there be some intervening authority to interrupt the President's proceedings.

I know that reliance has been placed very much on the right of emigration. Mr. Webster's authority has been very frequently invoked on it; his correspondence with Mr. Bocanegra has been cited; but Mr. Webster himself has furnished the evidences of his opinion in regard to the operation of this act. I read from a debate in this House

in 1850, when this very question was made. It was asked by what authority the President of the United States had used our armed vessels to cruise on the coast of Cuba to anticipate the Lopez expedition. Mr. Webster said:

"But now let us come to the direct question. What is it that is complained of? It is said that the President of the United States has directed a portion of the naval armament of the country to the coast of Cuba, for a certain specific purpose; and if the facts are as they are generally believed to be, for a purpose not only perfectly legal and perfectly constitutional, to be executed on the part of the Executive of the Government, but a purpose made his especial duty by a positive statute. If there is any case, it is a case of this kind. A military expedition has been fitted out, or begun to be fitted out, in the United States, to act against the Island of Cuba, now belonging to the Spanish Government; and it is not material, if such be the fact, if it be fitted out, or begun to be fitted out or prepared, according to the language of the statute, in the United States, whether by the citizens of the United States or by others. The law prevents the thing being done in the United States. Now, I suppose that whatever action the President has taken on this subject is founded upon information that this is a military expedition prepared and set on foot in the United States, in whole or in part. Well, then, if that be so, the law makes it his express duty, wherever he can exert the military and naval power within the limits and jurisdiction of the United States, to exert it to defeat such an expedition. And in the next place, if a United States vessel is found on the coast of Cuba intending to violate this law of the country by helping to carry on a military expedition against Cuba, that vessel is just as much within the jurisdiction of the United States—for that is the word of the statute—as if she lay in the Potomac river."

Gentlemen seem to have confounded two very distinct powers of this Government. The first is the sovereign exclusive territorial authority which every nation possesses over its own territories, and extending over the waters beyond its shores to the distance of three miles. That is the general rule now of the publicists; though, in ancient times, the claim went to a much larger extent—as much as two hundred miles, as Hautefeuille tells us, and he assigns a peculiar reason for that claim: in ancient days, fillibuster expeditions were so common and so injurious that the older nations sought the protection of exclusive jurisdiction over the sea to a greater extent beyond their coasts, that they might be better able to secure themselves from such expeditions. This has come now to be three miles from shore. But the exclusive sovereign jurisdiction of a nation over its territory, which ceases within three miles of its shores, is a very different thing from that jurisdiction which they have on the high seas—not over the high seas, to be sure, but on the high seas, over their citizens, their vessels, and their property, wherever they may be afloat. Indeed, the publicists say that the flag continues the country. Wherever a vessel of the United States is borne on water, there is the United States. Indeed, how could it be otherwise; since, if it were not, there would be no power in any Government to punish for crimes committed on the high seas. If there were no jurisdiction in every nation over its citizens or subjects, their vessels and property afloat on the high seas, no crime committed there could be punished. The worst malefactors at sea would be beyond any jurisdiction, and even piracy itself would have uninterrupted immunity from the penalties of criminal law.

But we know, sir, that our statutes have provided for the punishment of all crimes committed on the high seas; and we have gone even further than that: we have a statute on our book—that of 1825—which punishes crimes committed on board our vessels within ports of foreign nations. We are not limited to the high seas. The jurisdiction of the United States attaches so completely to its vessels wherever they are water-borne, that even if a murder be committed in the port of Liverpool, the man may be tried in the courts of the United States, and may be hung for it. It is true, that there is there a conflict of jurisdiction, that the territorial jurisdiction of Great Britain attaches also, and that if her courts take cognizance of the case in the first instance, our jurisdiction must cease. That is provided for in the act; but if they fail to take cognizance of the crime committed on board a vessel of the United States within one of their ports, then our jurisdiction attaches; and on the return of the party to the United States, he may be tried and punished for his offense. If it were not that we have jurisdiction far beyond our territory, not limited by the lines of our land or three miles of water which bound our coast, how is it possible we could punish men for crimes committed on the high seas, or within the ports of a foreign nation? No law that we pass here gives any jurisdiction to the Government. No law that we pass here gives any authority to the law-making power. The law we pass providing for the punishment of people in these cases gives authority to the courts. It gives jurisdiction to your criminal tribunals; but the jurisdictional right of the sovereign power cannot be affected by any act of your legislation. So that I think I am warranted in saying that there is a jurisdiction all over the high seas, and wherever your vessels are water-borne; and I am not sure that it cannot be carried further still. I think it can be shown that there is a sort of jurisdiction too, even upon the land which belongs to a foreign nation, other than that of such nation.

We have on our statute-book a law which provides for the punishment of offenses committed

by citizens of the United States within the limits of China and Turkey. They are tried by the courts of those countries,—and I speak now of offenses not committed on the high seas or on board a vessel lying in port, but offenses committed within the strictly territorial limits and on the very land of China and of Turkey. By what right can you punish these people in such cases as that, if your jurisdiction is limited to your own territory and to the high seas? Sir, if your jurisdiction does not extend beyond them, then when you punish a homicide under the judgment of your consular and commissioner's courts where the offense is committed in China, you commit judicial murder. Gentlemen may say we have a treaty with China, and that treaty with China confers on us the power. Sir, no treaty with any nation on the face of the earth can enlarge the powers of this Government; they may cede territory; they may yield up their own prerogatives; they may abandon their own territorial rights; they may say "this exclusive territorial jurisdiction which we have, we will waive and allow you to exercise yours within our limits;" but they cannot confer a right on the Government of the United States which the people of the United States have not conferred on us, or which does not spring necessarily and inevitably from the relation of Government and citizen.

Now, sir, I do not speak this purely from my own suggestion. I have at least one authority among the publicists—I have not had time to investigate this question, or I should have found more, no doubt; but in a volume which was one of the text-books of my school-boy days, I have seen this authority:

"The jurisdiction which a civil society has over the persons of its members affects them immediately, whether they are within its territories or not."

This is from Rutherford's Institutes, and is quoted with approbation by Judge Marshall in his celebrated speech on the Jonathan Robins case. I cannot conceive any other principle on which we can vindicate the law we passed under the authority of the treaty with China, than this principle of natural law which I have quoted from Rutherford. If we have not a jurisdiction which attaches to the members of our civil community wheresoever they are, I do not know how it is possible for us, whatever may be the terms of a treaty with China, or the terms of the law we passed, to punish a man for a crime committed without our territorial limits, beyond the high seas, and beyond the ports where our flag floats, and within a jurisdiction which is entirely foreign to us.

If anybody can point out to me any other source of authority for the passage of such a statute as this than the one I have cited, I shall be very much obliged to him. I admit I should have broached this idea with a great deal of timidity if it had not been fortified by the authority I find in Rutherford; but it is very clear to me that all the treaty with China can effect is a waiver of her right to exclusive territorial jurisdiction. She certainly could not confer on the Congress of the United States the power to pass that act; but if that act is valid, if it is not unconstitutional, if it is not a violation of the principles of our Government, it must be because our Government has a sort of personal jurisdiction over its citizens wherever they are. I think something of the same sort will be found in Bowyer's late work on international law; but I have not had time to examine it with a view to this point.

Now, sir, I say that the act of 1818 imposes on restrictions or limitations on the President in regard to the power conferred by the eighth section. That power was unnecessary to effect the prohibitions and penalties of the other sections of the act within the limits of the United States. Indeed, without the authority which is given in the earlier part of the section to use the naval and military forces to enforce the penalties and prohibitions of the act, I take it, that in the ordinary course of judicial proceeding, the military authority might have been so invoked. I do not mean that the President of the United States might have been directly called on to do it; but if the mandate of the court was not obeyed, the *posse comitatus* might have been called out, and the military and naval forces as a part of it. From the fact of conferring the special power on the President, it is evident that there was a design to go much farther than the limits of the territorial jurisdiction of the United States. And do we not know that our naval forces are used abroad everywhere as the police of the seas? Somebody asked me if I had ever known the case of a statute giving authority to go beyond the three marine miles from the coast, except in regard to the revenue laws? Sir, that provision in the revenue laws which allows cutters to board vessels within four leagues of your coast, is a limitation on your power, not an extension of it. If we had not a jurisdictional right beyond the three miles, no act of Congress could give it. Congress itself cannot increase its own powers, and yet that is the idea implied by the question which was asked me. Its powers are above itself. They come from the people through the instrumentality of the Constitution; and whatever we enact must be in subordination

to the Constitution and the powers conferred by the people through it.

I say then that the power conferred on the President by the last clause of the eighth section of the act is not limited to the jurisdictional bounds of the United States territory; and if not limited there how is it limited, and by what? No limitation is found in the act, and there is none in the reason of things, except that in the exercise of the power thus conferred, the President shall take care not to violate the jurisdictional sovereignty of another State. That I admit. Unless that jurisdictional sovereignty of the other State has been waived, I suppose it would be ordinarily a violation of the territory of that State for forces to be landed there, and the capture of persons in the condition of General Walker, effected. But there are peculiar circumstances in regard to this capture of General Walker which vary the case.

In the first place, General Walker landed on Punta Arenas, a sand-spit, within the jurisdictional limits of Nicaragua, as our Government contends, though we all know that Costa Rica has claimed that territory for herself; and we know, too, that Costa Rican troops were in possession of it for some months prior to this advent of General Walker, and only left it a short time before he arrived there; and left it, I believe, in consequence of their apprehension of his landing with his fillibusters. At the time when Walker arrived there it was derelict. At all events, at that moment Nicaragua had neither actual occupancy, nor constructive occupancy, nor potential occupancy, if I may use that term. She had no functionaries there; she had no troops there; she had no means to maintain her authority; she was ousted of her authority; and if she was not ousted of her authority before Walker got there, she was ousted of it by him. It was no longer within her possession. Her rule was not there. Her flag did not float there to protect or to punish. Our military force went there—for what purpose? To do her an injury? No, sir. They went there as her ally; they went there to her aid; they came to her assistance. It has been maintained by pretty high authority that there is no such violation of territory by the landing of forces, when their landing is not for a hostile, but for a friendly purpose, and to protect the nation on whose territory they landed from the incursions of those who, as to them, were to be considered as freebooters and pirates. What was the doctrine of the United States when our squadron was scouring the West India seas to put down the piracies which prevailed there in 1823? Judge Thompson, who was then Secretary of the Navy, instructed Commodore Porter on that subject, and I beg leave to read his instructions:

"Pirates are considered, by the law of nations, the enemies of the human race. It is the duty of all nations to put them down; and none who respect their own character or interest will refuse to do it, much less afford them an asylum and protection. The nation that makes the greatest exertions to suppress such banditti has the greatest merit. In making such exertions it has a right to the aid of every other Power, to the extent of its means, and to the enjoyment, under its sanction, of all its rights in the pursuit of the object.

"In the case of belligerents, where the army of one party enters the territory of a neutral Power, the army of the other has a right to follow it there. In the case of pirates, the right of the armed force of one Power to follow them into the territory of another, is more complete. In regard to pirates, there is no neutral party, they being the enemies of the human race; all nations are parties against them, and may be considered as allies. The object and intention of our Government is, to respect the feelings as well as the rights of others, both in substance and in form, in all the measures which may be adopted to accomplish the end in view. Should, therefore, the crews of any vessels which you have seen engaged in acts of piracy, or which you have just cause to suspect of being of that character, retreat into the ports, harbors, or settled parts of the island, you may enter, in pursuit of them, such ports, harbors, and settled parts of the country, for the purpose of aiding the local authorities, or people, as the case may be, to seize and bring the offenders to justice, previously giving notice that this is your sole object.

"Where a Government exists, and is felt, you will, in all instances, respect the local authorities, and only act in aid of and cooperation with them; it being the exclusive purpose of the United States to suppress piracy, an object in which all nations are equally interested; and in the accomplishment of which the Spanish authorities and people will, it is presumed, cordially cooperate with you. If, in the pursuit of pirates found at sea, they shall retreat into the unsettled parts of the islands, or foreign territory, you are at liberty to pursue them, so long only as there is reasonable prospect of being able to apprehend them; and in no case are you at liberty to pursue and apprehend any one, after having been forbidden so to do by competent authority of the local government. And should you, on such pursuit, apprehend any pirates on land, you will deliver them over to the proper authority, to be dealt with according to law; and you will furnish such evidence as shall be in your power to prove the offense alleged against them. Should the local authorities refuse to receive and prosecute such persons so apprehended, on your furnishing them with reasonable evidence of their guilt, you will keep them, safely and securely, on board some of the vessels under your command, and report, without delay, to this Department, the particular circumstances of such cases."

The idea of the Secretary of the Navy in that dispatch was, that, inasmuch as pirates were not only enemies of the United States, but of Spain, in pursuing them upon the shores of the Spanish islands we were acting as allies of Spain itself, or at least with no hostile intent to her, with no idea of violating her territorial sovereignty, and therefore we might, in pursuit of them, lawfully

penetrate within the jurisdictional limits of the Spanish Crown, provided no objection was made by the Government of Spain, or the local authorities. That seems to me to be very similar to this case.

Here we had Mr. Yrissari before he was received as the Minster of Nicaragua, but while he was in communication with this Government, and under the authority of his Government accredited to this, addressing a letter to the Secretary of State announcing the fact that Walker was about to carry on such an expedition, and asking the interference of this Government, by means of its naval forces in the harbor of San Juan, to repel this incursion; and in fact Yrissari was recognized before Commodore Paulding made this descent on Punta Arenas. We have no separate treaty of amity with Nicaragua, I believe; but we had one with Central America when she was part of that confederacy; and the provisions of that treaty still subsist, notwithstanding the separation. We are under a pledge of friendship and amity to Nicaragua. That people, through their accredited agent, asked our interference at this very point, requesting us to put down this expedition by the use of our naval forces in the harbor of San Juan; and what we have done is precisely what they asked us to do. I admit, readily, that Commodore Paulding was without express instructions from the Navy Department to land. Indeed, I do not know that he had any other instructions than the general instructions contained in the circular of the State Department—rather insufficient, I think, for the circumstances; but Lieutenant Almy had direct instructions from the Navy Department to repel by force any vessel bringing a hostile expedition into the port of San Juan, and I believe he was directed to proceed to other points to watch out, to look for these invaders, so as to repel them. This implied a violation of the territorial sovereignty of Nicaragua quite as much as the landing of Commodore Paulding on the sand-spit of Punta Arenas, because the port of San Juan is as completely within the jurisdiction of Nicaragua as Punta Arenas, and a shot could not be fired in the port without violating the territorial right, unless that territorial right could be considered as waived.

Under the circumstances of this case, considering the application made by the minister, the repeated solicitations which have been addressed to this Government by the authorities of that, to protect them from such expeditions, I think we are fairly entitled to consider their territorial sovereignty as waived, and ourselves as permitted to use force within their territorial limits for the purpose of repelling such incursions. We were fully entitled so to regard it, and so we were in the case of Commodore Porter and the Spanish West India islands. Therefore, when Commodore Paulding landed, although he went further than any orders of his Government authorized him to go, he was only carrying out the purpose of the Government; he was only executing its just and lawful objects; he was only doing that which a high regard for national law required us to authorize him to do; and in my opinion, if he has committed any error at all, it is not a very "grave" error. It is the merest fractional error that it is possible for a naval man to commit under such circumstances. I admit that technically you may say he had no right to do this, because he had no orders to do it; but I rather think the expression of "grave error" attributed to him by the President in his message, is more the result of the President's great caution—a somewhat distinctive feature in his character—than anything like a deliberate design to censure Commodore Paulding. I am very sure he entertains no such design; and if he does not publicly say so, I have no doubt that privately he is gratified that Paulding has taken this short cut to the settlement of a very difficult matter.

The other day, when this subject was up, the honorable Senator from Mississippi [Mr. Brown] alluded to the case of Commodore Porter, and contrasted it with the treatment which Commodore Paulding was receiving. He seemed to think it was a similar case in all respects. While I think the case of the pirates which he was authorized to pursue into the interior of the Spanish Isles very much like the authority implied to Commodore Paulding to land at Punta Arenas and capture the fillibusters there, and who, as to Nicaragua, were pirates, though not such as to us, I believe there is a great difference between the case under which Commodore Porter was tried and the case for which it is now propósed to censure Commodore Paulding. Commodore Porter visited the town of Foxardo, not in pursuit of pirates, but to avenge an insult to a lieutenant of his squadron who had gone to that town some time previously for the purpose of looking up goods supposed to have been taken by pirates from Saint Thomas and lodged there. When he arrived there, he was treated with indignity by the local authorities, and put into prison until the close of the day. He then repaired to the vessel of Commodore Porter and stated his wrongs.

The commodore, burning with resentment at this mal-treatment of one of his lieutenants, proceeded to the bay of Foxardo, landed a force,

found a battery placed there, as if in opposition to him, went around the battery, charged it in the rear, took the guns, spiked them, then marched a force of two hundred men two miles from the coast, spiking other guns as he went along; and finally came to a halt two hundred and fifty or three hundred yards from the town; sent a flag of truce in to the alcalde; notified him that if he did not make the most ample reparation and apology the consequence would be the destruction of his town; then compelled an apology, and returned to his ships. That was his case. That was not a case of aiding and assisting the Government of Spain in the pursuit of pirates who had made a retreat to that place. It was the case of a direct act of war, initiated by a captain in the Navy, of his own authority, for the purpose of redressing an insult offered to one of his lieutenants. The cases cannot be compared at all. Captain Porter was a very gallant man. There were many people who disapproved of his conduct on that occasion, but regretted to find that he was suspended from the Navy, and ultimately he resigned his commission; but the cases are not in the least parallel.

I come now to the continuation of the remarks I was making a short time since as to the operation and extent of the power conferred on the President by the last clause of the act of 1818. Suppose that the President, having given instructions to his naval commanders to pursue an expedition of this sort, they should pursue them, chase them on the high seas, until they arrive at an island in the neighborhood of their operations, not within the jurisdiction of any Power at all: does any one suppose that if the pirates, thus pursued, should land on this unclaimed island the authority of the naval forces of the United States to capture them would be at an end? I apprehend not. I apprehend that wherever they could find those men they would have a right to seize them if they did not violate the territorial sovereignty of some other Power. Unless there is some particular sanctity about a mere spot of land not covered with water, I apprehend the authority given by this act would not be checked in that case.

But, sir, the conduct of our own Government in other cases has evinced a disposition to carry the authority of the United States under this law still further, to an extent perhaps to which I could not even go myself, though with some qualification I might be able to do so. I have referred to the correspondence between a former Mexican Minister to this country, and one of the most accomplished debaters who was ever heard in these Halls, a statesman of very considerable acuteness and ability—I mean Mr. Forsyth, when he was Secretary of State under General Jackson. In 1836, soon after the revolution in Texas commenced, our Department of State was flooded with remonstrances from the Mexican Minister, and complaints made that our people were getting up parties for the purpose of going into Texas and aiding in the war; that companies were organizing at Nashville and other places. Mr. Forsyth promptly furnished the instructions given to our district attorneys and other officers to suppress all such movements. In addition to that, Mr. Gorostiza complained that General Jackson had given orders to General Gaines in command of the Army at that quarter, to advance as far as Nacogdoches, which was then in Texas, claimed by Mexico, some thirty miles, I believe, beyond our then limits. Mr. Forsyth replied to Mr. Gorostiza that he had somewhat mistaken the purport of the order to General Gaines; that General Gaines had not been ordered to carry the military forces of the United States as far as Nacogdoches, but that he had been told he must not go any further than that point, implying necessarily that under certain circumstances he might advance as far as Nacogdoches. Mr. Forsyth justified this order to General Gaines to carry the troops of the United States into the Territories then claimed by Mexico, not as a hostile movement, but as a friendly one, as fulfilling treaties of amity and peace; "treaty obligations," I think he says; but at that time there was no treaty with Mexico, except that of 1831. By that treaty, in the ordinary form, we stipulated that there should be perpetual and inviolate peace between the United States of America and the Republic of Mexico and between all the citizens of the one and the citizens of the other. This was the formal article found in all the treaties of peace and amity. There was a special provision that the United States should guard Mexico from the irruptions of our Indians; and Mr. Forsyth justified the implied order to General Gaines to advance as far as Nacogdoches, on the ground that the United States, as a friendly nation, was bound by its treaty stipulations as well as by the laws of nations to protect its friends from the incursion of hostiles who were within the limits of the United States, and that it had the right to follow those hostiles into the territory of Mexico, and even, he says, to the very heart of the Empire. Here is his language:

"To effect one of these great objects for which General Gaines is sent to the frontier of Mexico, that is to fulfill our treaty with Mexico by protecting its territory against the Indians within the United States, the troops of the United States might justly be sent into the heart of Mexico, and their presence, instead of being complained of, would be the

strongest evidence of fidelity to engagements and friendship to Mexico."

The whole correspondence is to be found in the Congressional Globe and Appendix for 1835-36. I should question very much the right of our Government to dispatch troops, even for that purpose, without the consent of the party whose territory was to be entered on; but at all events this authority is enough to show that it is not the first time in the history of our Government that troops have been sent into the jurisdictional limits of another State, for the purpose of repressing incursions by American citizens; and the authority and right to do so is, so far as it can be, affirmed by the opinion of an accomplished statesman, Mr. Forsyth, and of a President of great weight of character and authority in this country, undoubtedly. It has all the sanction to which it is entitled from the character of those two statesmen. Nay, more, sir, although it is not authority which you might quote, perhaps, in a contest with a foreign Power, it is one which may be used when we are discussing the conduct of our own Government in their own vindication. They have not gone beyond their predecessors. They have not gone so far as their predecessors. This Executive has ordered the forces of the United States to repel the invasion of these fillibusters in the harbor of San Juan, within the territorial sovereignty of Nicaragua; but they have not avowed their right for that purpose to march an army into the heart of Nicaragua, as Mr. Forsyth did in the communication to which I have referred, in relation to Mexico.

I believe I stated before that there was no such stipulation in the treaty of 1831 as that of the treaty of Guadalupe Hidalgo, which required us not only to guard against the irruption of our Indians into Mexico, but also to exact compensation for damages from them. But all treaties of peace and amity provide that there shall be true and sincere friendship, and inviolate and universal peace between the Governments which are parties to such an instrument, and between all their citizens respectively. This is an avowal of the duty of all nations not engaged in war, to refrain themselves, and restrain their citizens from doing injury, each to the other, and would seem to include such a stipulation as that of the treaty of 1831.*

*In the speech as reported in the Daily Globe, Mr. PEARCE said that he thought there was no special provision in the treaty of 1831 requiring the United States to keep their Indians from incursions into Mexico. But subsequent examination showed this to be an error, and the correction is here made accordingly.

I shall not detain the Senate much longer, but I wish to say a few words in regard to Commodore Paulding. I have heard a great deal said of the harshness with which he executed this duty. One gentleman spoke of his having boasted of the gallantry of his sailors and marines. That happens to be a mistake. I have looked at his letters and I do not see any boast of their gallantry; but he praises their good order and discipline, which, considering that the debarkation was made in a turbulent sea, and at considerable peril, is I think not at all immodest. I saw no language disrespectful to General Walker. He considers him as most people do in our country, I apprehend, as a lawless man, who is disregarding the laws of nations, who is disposed to carry ruin and havoc into the territory of Nicaragua, in order that he may establish himself there on the basis of a military despotism—that is what he means by a government "based on military principles;" but I see no language of Commodore Paulding to him which could be considered disgraceful to that officer. We do not wish our officers when executing a stern duty to speak with bated breath, and accompany the act by apologetic flourishes. We want them to speak like men, like officers; to speak whatever is to be said, plainly, frankly, without apology and unnecessary qualification. That is what Commodore Paulding has done, and I think he executed this office as wisely and as well as it could have been done. He organized a force sufficient to overcome all opposition. That was a mercy to these people, for if he had gone with a small force there would have been opposition and bloodshed. I see no barbarity, nothing inflicted which authorizes gentlemen to speak in the extremely harsh terms in which some have censured him. For my part, I believe him to be a sensible man, a gallant officer. I believe if he had no specific orders from the Government to do precisely what he has done, that the orders which Lieutenant Almy had were, at all events in their spirit and essence, sufficient to justify him in the step which he took. I think, in taking that step, he has relieved the country from a great responsibility; he has relieved Nicaragua from the horrors of an abominable war; and he has vindicated the good faith of the Government of the United States, which was bound to put down such a lawless expedition as this. If the President had not given him authority, the President might have given him the authority, as I think I have shown; and I will consider that what ought to have been done has been done; and though I am not willing to vote a medal to Commodore Paulding for this service, because it is not the sort of service for

which I think medals ought to be voted, he has my thanks, and the thanks of the great mass of the people. There are some few places where he may be condemned, where Walker has become popular and received sympathy; but everywhere else the people of this country will approve and sanction and applaud the conduct of Commodore Paulding. I trust they will do so.

I would now say a word as to another officer who has been the subject of remark. I should say nothing about him, were it not for the fact that he is a constituent of mine, as honest and true a sailor as ever stepped on the deck—a perfectly brave and fearless man, as I know. I have known him for many years. He has been thirty-three years in the Navy, without the slightest reproach on his character or conduct as an officer. He is a conscientious man, not as ready, perhaps, to assume responsibility as some others. I mean Captain Chatard. He was without any other instructions than the circular which was dispatched to our attorneys and collectors of customs, and copies of which were furnished to the individual officers commanding the different ships on that station. That was all he had. He naturally enough, not having more specific instructions than those contained in that circular, doubted his authority to stop this vessel as she was coming in, especially as his suspicions were not awakened as to her being engaged in a hostile enterprise.

I beg leave to say further, though he has been reproached for exhibiting ill-temper by certain notes he wrote to Walker, that I think, when the circumstances are explained, it will be perceived that he is not liable to that charge. It is a fact that he had put up, some weeks before, a target in the neighborhood of the place of Walker's camp. Here he was in the habit of exercising his crew in boat-practice with the howitzers; and the boat-practice of which Walker complained, was nothing but a continuance of what had being going on for weeks before. So in regard to his request to move his camp a little out of the way, so that, in firing to bring a vessel to, he might do no damage. A shot thrown from his vessel, I understand, must pass over this sand-spit, and he wished to notify Walker in time, that possibly, in throwing shot over there to bring a vessel to, it might do damage. These are the only instances of brutality and meanness I have been able to perceive in the correspondence. I trust he will be excused for not assuming the responsibility of bringing the Fashion to, when unsuspicious of her character, and not expressly required to search all vessels before allowing them to run up to the wharf.

Now, sir, I will only say in conclusion, that while I desire to see the people of this country, individually and collectively, free, happy, and prosperous, loyal to the Constitution, and obedient to the law, watching the Government with a sober vigilance—not with a partisan spite, not with an illiberal suspicion, but with a sober vigilance—and correcting them, if they go astray, with the moderation of wisdom, I desire to see the Government also sensitive to our national honor, and vigilant and firm in the protection of our national rights. I desire to see them just and firm, but courteous, towards the great Powers; and at the same time, not only just, but forbearing and generous to the weaker Powers, helping them in their debility, assisting them in their tottering steps in the progress of freedom and civilization. While they are doing all this, I want to see them crushing, with broad and mighty hand, the turbulent spirits in our midst, who regard no law, who set at naught the Constitution, who deride the obligations of international rules, who defy the enactments passed by you to enforce your national obligations, and who, looking only to personal victory, and to personal triumph and to personal aggrandizement, are willing to violate your law, the laws of nations, and the peace of another country; to trample down its independence, and to establish a Government "based on military principles," which shall be restrained by no representative legislature, by no constitutional responsibility, but which shall be a usurped despotism, directed for the benefit of one man or a few men.

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